

REMARKS

Applicants request favorable reconsideration of the subject application in view of the amendments and the following remarks.

In the Office Action dated November 12, 2003, the Examiner withdrew claims 6-8 from consideration as being directed to non-elected invention. The Examiner further objected to the specification and figures because of informalities and requested that the Applicants provide complete address and a photocopy of the receipt of the certificate of deposit for the KS (+)/*E. Coli* DH (hCOLA1) clone. Claims 1-3 and 17-21 were objected to because of the use of "SEQ ID NO."; claims 17-21 were rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention; claims 1-5 and 9-21 were rejected as being indefinite; claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by Greenspan *et al.*, GenBank Accession No. M76730 (Greenspan); claims 17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Tang *et al.*, U.S. Patent 6,569,662 (Tang).

Applicants acknowledge receipt of the "Notice of References Cited" (form PTO-892) and the attached references.

In response, Applicants have amended the specification, Figs. 7A, 7B, 9A, 9B, 10A, and 10B, and claims 1 and 13-15 to correct the informalities. Applicants have canceled Fig. 6A-6C and claims 2-5 and 17-21. The specification has also been amended to correct typographical and clerical errors. In addition, as a result of the cancellation of

Fig. 6A-6C, Figs. 7-11 have been renumbered as Figs. 6-10. Furthermore, the Sequence Listing has been amended to add additional sequences to include the sequences shown in the examples of the specification. No new matter has been introduced.

Applicants submit that the subject application, after the amendments, have overcome the rejections and objections for the following reasons:

Informalities

The specification including Figures 6A-6C were objected to because of informalities; Figures 7A, 7B, 9A, 9B, 10A, and 10B were objected to as not showing the bands for hybridization product or expression product as indicated in the drawing description.

In response to these rejections, Applicants have canceled Figs. 6A-6C, renumbered Figs. 7-11 to Figs. 6-10, and amended Figs. 7A, 7B, 9A, 9B, 10A, and 10B to show the bands of the hybridization product or expression product as indicated in the drawing description.

The deletion of Figs. 6A-6C does not introduce new matter, because the sequences, as disclosed in the figures, are already disclosed throughout the specification. Please note that the original Figures 6A-6C merely showed a comparison between the disclosed sequence and other known sequences, as taught in the deleted brief descriptions for Figs. 6A-6C. Thus, the deletion of the original Figures 6A-6C does not and cannot add or deduct any value to or from the present invention.

Deposit of Biological Materials

The Examiner requested that the Applicants provide the complete address of the depository and a photocopy of the receipt of the certificate of deposit for the KS (+)/*E. Coli* DH (hCOLA1) clone.

In response, Applicants have amended the specification to add the complete address of the depository. A photocopy of the receipt of the certificate of deposit is also enclosed (as Attachment 7) to show that the KS (+)/*E. Coli* DH (hCOLA1) clone has been deposited at the depository as claimed.

Claim Objections

Claims 1-3 and 17-21 are objected to because of the use "SEQ ID NO." instead of "SEQ ID NO:".

In response to the claim objections, Applicants have amended claim 1 to correct the informalities. Claims 2-3 and 17-21 have been canceled.

Claim Rejections - 35 USC §112

Claims 17-21 were rejected under 35 U.S. C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants have canceled claims 17-21. Thus, the rejections are moot.

Claim Rejections - 35 USC §112

Claims 1-5 and 9-21 are rejected under 35 U.S. C. §112, second paragraph, as being indefinite.

Applicants have canceled claims 2-5 and 17-21 and amended claims 1 and 9-16 to more particularly point out and distinctly claim the subject matter of the invention. Thus, the rejections have been overcome.

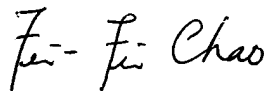
Claim Rejections - 35 USC §102

Claims 19 was rejected under 35 U.S.C. §102(b) as being anticipated by Greenspan; claims 17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Tang.

Applicants have canceled claims 17 and 19. Thus, the rejections are moot.

In view of the above, all objections and rejections have been overcome and claims 1 and 9-16 as amended are in condition for allowance. Should the present amendment not place the application in condition for allowance, the Examiner is requested to contact the Applicants' attorney to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in cursive script that reads "Fei-Fei Chao".

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